



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

FRIDOVICH et al

Atty. Ref.: 1579-580

Serial No.: 09/880,125

Group Art Unit: 1624

Filed: June 14, 2001

Examiner: Habte, K.

For: SUBSTITUTED PORPHYRINS

\* \* \* \* \*

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STATEMENT UNDER 37 CFR 1.48(a)

Hon. Commissioner of Patents  
and Trademarks  
Washington, DC 20231

Sir:

We, James D. Crapo and Brian J. Day, do hereby declare and state as follows.

1. We understand that the inventive entity set forth in U.S. Application Nos. 09/184,982 and 09/880,125 (and Provisional Application No. 60/064,116) as originally filed is in error. We further understand that that we are being added as inventors on U.S. Application No. 09/880,125.

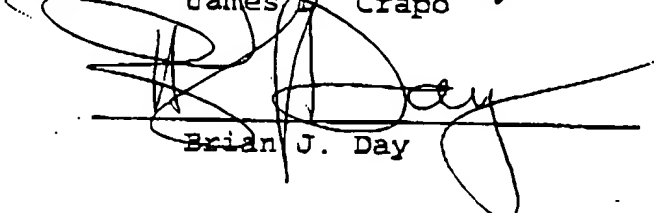
2. The error in inventorship of U.S. Application No. 09/880,125 (and Application No. 09/184,982 and Provisional Application No. 60/064,116) occurred without deceptive intention on either of our parts.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Further, declarants sayeth not.

Signed this 14<sup>th</sup> day of January, 2003.

  
James P. Crapo

  
Brian J. Day

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Nixon & Vanderhye P.C. (10/89)  
(Domestic Non-Assigned/Foreign) Page 11579-580  
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RULE 63 (37 C.F.R. 1.63)

INVENTOR'S DECLARATION FOR PATENT APPLICATION  
TO THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## SUBSTITUTED PORPHYRINS

the specification of which (check applicable box(es)):

☐ is attached hereto☒ was filed on

June 14, 2001

as U.S. Application Serial No.

09/880,125

(Atty. Dkt. No. 1579-580)

☐ was filed as PCT International application No.

on

and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):

Application Number

Country

Day/Month/Year Filed

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Number

Date/Month/Year Filed

60/084,118

3 November 1997

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below:

Prior U.S./PCT Application(s):

Application Serial No.

Day/Month/Year Filed

Status: patented  
pending, abandoned

09/184,882

3 November 1998

Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And on behalf of the owner(s) hereof, I hereby appoint Nixon & Vanderhye P.C., telephone number 703-816-4000 (to whom all communications are to be directed) and the attorneys of: **Customer Number 23117**, individually and collectively owner's/owners' attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent. I also authorize Nixon & Vanderhye to add or delete attorneys from that Customer Number, and to act and rely solely on instructions directly communicated from the person, assignee, attorney, firm, or other organization sending instructions to Nixon & Vanderhye on behalf of the owner(s).

1. Inventor's Signature: *Irwin Fridovich* Date: ✓ 1/15/03  
Inventor: Irwin (first) MI Fridovich (last) U.S.A. (citizenship)  
Residence: (city) Durham (state/country) North Carolina  
Mailing Address: 3517 Courtland Drive, Durham, North Carolina  
(Zip Code) 27707
2. Inventor's Signature: *I. Ines* Date: ✓ 01/15/03  
Inventor: Ines (first) MI Batinic-Haberle (last) CROATIA (citizenship)  
Residence: (city) Durham (state/country) North Carolina  
Mailing Address: 1 Cotswold Place, Durham, North Carolina  
(Zip Code) 27707
3. Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Inventor: James (first) MI Crapo (last) U.S.A. (citizenship)  
Residence: (city) Englewood (state/country) Colorado  
Mailing Address: 4850 S. Forest Street, Englewood, Colorado  
(Zip Code) 80110
4. Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Inventor: Brian (first) MI Day (last) U.S.A. (citizenship)  
Residence: (city) Englewood (state/country) Colorado  
Mailing Address: 6122 S. Noma Court, Englewood, Colorado  
(Zip Code) 80111

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Nixon & Vanderhye P.C. (10/89)  
(Domestic Non-Assigned/Foreign) Page 1

**RULE 63 (37 C.F.R. 1.63)**  
**INVENTORS DECLARATION FOR PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SUBSTITUTED PORPHYRINS**

The specification of which (check applicable box(es)):

☐ is attached hereto  
☒ was filed on June 14, 2001 as U.S. Application Serial No. 09/880,125 (Atty. Dkt. No. 1579-580)  
☐ was filed as PCT International application No. on  
and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):	Application Number	Country	Day/Month/Year Filed
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I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.	Application Number	Date/Month/Year Filed
	80/064,118	3 November 1997

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below:

Prior U.S./PCT Application(s):	Application Serial No.	Day/Month/Year Filed	Status: patented pending, abandoned
	09/184,982	3 November 1998	Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And on behalf of the owner(s) hereof, I hereby appoint Nixon & Vanderhye P.C., telephone number 703-816-4000 (to whom all communications are to be directed) and the attorneys of: **Customer Number 23117**, individually and collectively owner's/owners' attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent. I also authorize Nixon & Vanderhye to add or delete attorneys from that Customer Number, and to act and rely solely on instructions directly communicated from the person, assignee, attorney, firm, or other organization sending instructions to Nixon & Vanderhye on behalf of the owner(s).

1. Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Inventor: Irwin (first) MI Fridovich (last) U.S.A. (citizenship)  
Residence: (city) Durham (state/country) North Carolina  
Mailing Address: 3517 Courtland Drive, Durham, North Carolina  
(Zip Code) 27707
2. Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Inventor: Ines (first) MI Batinic-Haberle (last) Yugoslavian (citizenship)  
Residence: (city) Durham (state/country) North Carolina  
Mailing Address: 1 Cotswold Place, Durham, North Carolina  
(Zip Code) 27707
3. Inventor's Signature: \_\_\_\_\_ Date: ✓ 1-14-03  
Inventor: James (first) D. MI Crapo (last) U.S.A. (citizenship)  
Residence: (city) Englewood (state/country) Colorado  
Mailing Address: 4650 S. Forest Street, Englewood, Colorado  
(Zip Code) 80110
4. Inventor's Signature: \_\_\_\_\_ Date: ✓ 1-14-03  
Inventor: Brian (first) J. MI Day (last) U.S.A. (citizenship)  
Residence: (city) Englewood (state/country) Colorado  
Mailing Address: 8122 S. Nome Court, Englewood, Colorado  
(Zip Code) 80111



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Filed: June 14, 2001

Examiner: Habte, K.

For: SUBSTITUTED PORPHYRINS

\* \* \* \* \*

CONSENT OF ASSIGNEE

Hon. Commissioner of Patents  
and Trademarks  
Washington, DC 20231

Sir:

I, Robert L. Taber, do hereby declare and  
state as follows:

1. DUKE UNIVERSITY (hereinafter "Assignee") is presently  
assignee of all right, title and interest in the invention of  
the above application by virtue of an assignment of the  
application to DUKE UNIVERSITY, which was recorded on  
January 25, 1999, at reel 9729, frame 0863, in parent  
Application No. 09/184,982. Assignee has reviewed the  
evidentiary documents for the aforesaid chain of title and  
hereby certifies that, to the best of assignee's knowledge and  
belief, title is in DUKE UNIVERSITY, by virtue of the above-  
noted assignment.

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2. Assignee has reviewed the Statement of James D. Crapo and Brian J. Day submitted concurrently herewith and understands its content.

3. Assignee consents to the addition of James D. Crapo and Brian J. Day to the inventorship of this application.

4. I am empowered to act on behalf of DUKE UNIVERSITY.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Further, declarant sayeth not.

Signed this 15<sup>th</sup> day of January, 2003.



Name: Robert L. Taber  
Title: Vice Chancellor of Science & Technology Dev.  
DUKE UNIVERSITY